

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

THOMAS STEWART,  
Plaintiff,

v.

LOWE'S HOME CENTERS, LLC,  
Defendant.

Case No. 23-cv-05790-VKD

**ORDER CONTINUING SHOW CAUSE  
HEARING AND RELATED  
DEADLINES; ORDER DIRECTING  
PLAINTIFF TO SHOW CAUSE RE  
DISMISSAL**

Re: Dkt. No. 12

On January 17, 2024, the Court issued an order granting defendant's request for an extension of deadlines set in the November 14, 2023 Order to Show Cause re Settlement. *See* Dkt. Nos. 8, 10, 11. Among other things, the January 17, 2024 order directed the parties to file an updated status report by March 19, 2024. *See* Dkt. No. 11. Defendant filed an updated status report on March 19, 2024 and requested a further extension of the order to show cause deadlines. Dkt. No. 12. Plaintiff did not file an updated status report by March 19, 2024. He also did not comply with the Court's subsequent order (Dkt. No. 13) to file a report by 5:00 p.m. on March 22, 2024.

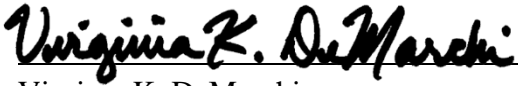
On or before **April 23, 2024**, a dismissal shall be filed pursuant to Fed. R. Civ. P. 41. If a dismissal is not filed by the specified date, then the parties shall appear in Courtroom 2, 5th Floor, 280 South First Street, San Jose, California 95113 on **May 7, 2024 at 10:00 a.m.** and show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(a). Additionally, the parties shall file an updated status report no later than **April 30, 2024** advising as to the status of the activities of the parties in finalizing settlement.

If a dismissal is filed as ordered, the Order to Show Cause hearing will be automatically

1 vacated and the parties need not file a statement in response to this Order. **If a dismissal is not**  
2 **filed as ordered, and if plaintiff fails to file an updated status report by the April 30, 2024**  
3 **deadline, then at the May 7, 2024 show cause hearing, plaintiff shall also show cause why this**  
4 **action should not be dismissed for his failure to prosecute and/or failure to comply with the**  
5 **Court's orders.**

6 **IT IS SO ORDERED.**

7 Dated: March 25, 2024

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10 Virginia K. DeMarchi  
11 United States Magistrate Judge  
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